

**REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-3 and 6-15 are now present in this application. Claims 1 and 12 are independent. By this Amendment, claims 1 and 8 are amended, and claims 4 and 5 are canceled without prejudice or disclaimer. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

**Priority Under 35 US C. § 119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

**Information Disclosure Statement**

Applicants thank the Examiner for providing Applicants with a copy of the Form PTO-1449 that was filed with an Information Disclosure statement on April 9, 2004. However, the Examiner has not initialed any of the references. Applicants respectfully submit that the Examiner provide Applicants with a copy of the Form PTO-892 that contains the Examiner initials with respect each listed reference, e.g., in the column provided for the Examiner's initials on the form.

**Objection to Incorporation by Reference**

The Examiner has objected to the incorporation by reference of material (presumably,

in the first paragraph of the main body of the specification) that is "an unpublished U.S. application, foreign application or patent, or to a publication," as improper.

This objection is respectfully traversed for the following reasons.

Firstly, the first paragraph of Applicants' specification claims benefit under 35 U.S.C. § 120 of PCT/JP02/10452 and PCT/JP02/10453, neither of which is an unpublished U.S. Application, Foreign Application or patent, or a publication. Rather PCT/JP02/10452 and PCT/JP02/10453 are International Applications under the Patent Cooperation Treaty which designate the United States of America.

Secondly, the incorporation by reference of the entire contents of Japanese Applications 2001-346755 and 2001-348001 is proper based on the recent amendment of 37 CFR 1.57, effective October 12, 2004, which clearly permits incorporation by reference of material from a foreign patent into an Applicants' U.S. patent Application.

Applicants incorporated the subject matter from its two Japanese priority Applications by reference in an abundance of caution in case this U.S. patent Application were to inadvertently omit some of the material contained in the Japanese priority Applications. Applicants had to do this because this Application was filed prior to the enactment of amended Rule 57(a), i.e., 37 CFR § 1.57(a).

37 CFR 1.57(e) permits an Examiner to require the applicant to supply a copy of the material incorporated by reference. However, because (1) the reason Applicants' Japanese priority patent applications were incorporated by reference was to be able to file a filing date petition if needed, and (2) this Application is based on the Japanese Priority Applications, Applicants respectfully request that this requirement to amend the Application to include the

material incorporated by reference along with a declaration that the amendatory material is the same as that incorporated by reference in this Application is not needed to examine this Application and respectfully request that it be withdrawn.

**Obviousness-Type Double Patenting Rejection**

Claims 12-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending U.S. Patent Application Nos. 11/337,478; 11/373,254; 11/373,134, and 11/373,126. This rejection is respectfully traversed.

Initially, Applicants note that this rejection is moot with respect to Serial Nos. 11/373,254 and 11/373,134, 11/337,478, which are abandoned. Applicants also note that there is an outstanding Office Action, dated January 25, 2008, in Serial No. 11/373,126, to which Applicants have not replied. If no reply is filed in that Application by July 25, 2008, then that Application will also become abandoned.

Additionally, Applicants respectfully submit that the factual inquiries set forth in Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966) that should be applied to establish a background for determining obviousness-type double patenting analysis are missing from the Office Action with respect to independent claims 1 and 11.

Because the rejection is based on 35 U.S.C. § 103, what is in issue in such a rejection is "the invention as a whole", not just a small part of the preamble of the claimed invention. Under 35 U.S.C. § 103, "[a] patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The determination under § 103 is whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. See In re O'Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). In determining obviousness, the invention must be considered as a whole and the claims must be considered in their entirety. See Medtronic, Inc. v. Cardiac Pacemakers, Inc., 721 F.2d 1563, 1567, 220 USPQ 97, 101 (Fed. Cir. 1983). By failing to address all of the features of claims 1 and 5, the rejection fails to evaluate the invention as a whole and the rejection is improper and should be withdrawn.

Moreover, as pointed out in MPEP 804, because the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection, the factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obvious-type double patenting analysis. These factual inquiries are summarized as follows:

- (A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;
- (B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;
- (C) Determine the level of ordinary skill in the pertinent art; and
- (D) Evaluate any objective indicia of non-obviousness.

The conclusion of obviousness-type double patenting is made in light of these factual

determinations.

Any obviousness-type double patenting rejection should make clear:

- (A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and
- (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Furthermore, a rejection must be based on objective factual evidence rather than mere conclusory statements by an Examiner. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Absolutely no objective factual evidence is presented in support of this speculative conclusion of obviousness.

Applicant respectfully submits that a *prima facie* case of double patenting has not been established because the Office Action fails to (1) identify what claims in Application Serial Nos. 11/337,478 or 11/373,126 serve as the basis of this rejection; (2) fails to discuss in any way whatsoever the claim language of any claim of Application Serial Nos. 11/337,478 or 11/373,126; (3) discuss the language of each and every one of the claims under rejection, i.e., claims 12-15 of this Application, (4) point out the differences between claims 12-15 of this Application and the claims of Application Serial Nos. 11/337,478 or 11/373,126 other than to speculatively conclude that the claims of the relied upon copending application recite all the claimed subject matter and pressure control means but do not recite the temperature and pressure setting means.

The Office Action then concludes that it would be obvious to provide temperature and

pressure setting means in the (unspecified) claims of the copending relied upon applications "for the purpose of more effectively controlling the temperature and pressure of the system."

Applicants respectfully submit that this is nothing more than unwarranted speculation totally devoid of any objective factual basis to support it. It is well settled that a rejection under 35 U.S.C. § 103 cannot properly be based on speculation but must be based on objective factual evidence of record. See In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968). See also, In re GPAC Inc., 35 USPQ2d 1116 at 1123 (Fed. Cir. 1995) and Ex parte Haymond, 41 USPQ2d 1217 at 1220 (Bd. Pat. App. & Int. 1996).

Nor is objective factual evidence presented, as required by existing case law, including In re Lee, cited above, demonstrating why the broadly stated differences between the unspecified claims of the relied upon copending applications and claims 12-15 of this Application Patent are obvious variations of the unspecified claims in those copending applications.

Moreover, no objective factual evidence is presented to establish that proper motivation by one of ordinary skill in the art exists to modify the claims of those copending applications to arrive at the claimed invention.

Applicants also respectfully submit that this summary treatment of all of the claims in the relied-upon copending applications and of claims 12-15 in Applicants' patent Application is so unsound and improper as to deny Applicants fundamental substantive and procedural due process under the Administrative Procedures Act, and must be withdrawn. See in this regard, In re Zurko, 119 S.Ct. 1816, 50 USPQ2d 1930 (1999), and In re Gartside, 53 USPQ2d 1769

(Fed. Cir. 2000).

Accordingly, this rejection fails to follow the explicit requirements of MPEP § 804, is incomplete, and should be withdrawn.

Reconsideration and withdrawal of this rejection of claims 12-15 are respectfully requested.

**Rejection Under 35 U.S. C. § 102**

Claims 1, 6-8 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,121,607 to George, Jr. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Intl Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the Examiner, inherency may not be established by probabilities or possibilities. What is inherent, must necessarily be disclosed. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckacrt, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

During patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444

(Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984).

Moreover, as stated in MPEP § 707.07(d), where a claim is refused for any reason relating to the merits thereof it should be "rejected" and the ground of rejection fully and clearly stated.

Additionally, findings of fact and conclusions of law by the USPTO must be made in accordance with the Administrative Procedure Act, 5 U.S.C. § 706(A), (E) (1994). Zurko v. Dickinson, 527 U.S. 150, 158, 119 S.Ct. 1816, 1821, 50 USPQ2d 1930, 1934 (1999).

A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely probably or possibly present. Rosco v. Mirro Lite, 304 F.3d 1373, 1380, 64 USPQ2d 1676 (Fed. Cir. 2002). The dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior reference's teaching that every claim feature or limitation was disclosed in that single reference. Dayco Products, Inc. v. Total Containment, Inc., 329 F.3d 1358, 1368, 66 USPQ2d 1801 (Fed. Cir. 2003).

The Office Action indicates that in George, Jr., the Rankine cycle is only operated during the run mode with high temperature and exhaust gas flow, referencing col. 6, lines 11-68, and is not operated or is disengaged in braking mode at the lower pressure and temperature.

Applicants respectfully disagree with this analysis of George, Jr., and also respectfully submit that this rejection fails to apply George, Jr. to the claimed invention, which differs from just operation "with high temperature and exhaust gas flow."

Furthermore, claim 1, as amended, positively recites a combination of features including an internal combustion engine for generating a driving force for traveling; and a Rankine cycle system for generating a driving force, the Rankine cycle system being adapted to be operated



by exhaust gas of the internal combustion engine when the internal combustion engine is running, and having an output shaft; a power generator adapted to be driven by the Rankine cycle system, wherein the Rankine cycle system output shaft is adapted to drive the power generator, and wherein the Rankine cycle system is operated when the temperature of the exhaust gas of the internal combustion engine is at a predetermined value or higher and the flow rate of the exhaust gas of the internal combustion engine is at a predetermined value or higher.

The portion of George, Jr. that is relied on in this rejection mentions nothing about a predetermined flow rate of the exhaust gas of the internal combustion engine, so there is no explicit disclosure of this positively recited claimed feature in George, Jr. Nor has the Office Action presented any objective factual evidence that George, Jr. discloses this feature inherently, i.e., not just possibly and not just probably, but necessarily, as discussed in the case law cited above.

Nor does George, Jr. disclose operation of the Rankine cycle system based on the combination of a predetermined temperature of the exhaust gas and a predetermined flow rate of the exhaust gas of the internal combustion engine, either explicitly or inherently.

Furthermore, Applicants have not found any disclosure whatsoever in George, Jr. of operation of the Rankine cycle system to generate a gas working medium having a temperature for maximizing overall efficiency of the Rankine cycle system. This feature is disclosed, for example, in paragraph [0008] of the main body of the specification.

Applicants also respectfully submit that George, Jr. uses its Rankine expander as a compressor to retard the vehicle and as an expander to accelerate the vehicle, as disclosed, for

example, in col. 4, lines 9-13, and, as a result, in George, Jr., the Rankine cycle is operated both during the run mode and in braking, which is the opposite of what is indicated in the rejection.

Additionally, the features in amended claim 1, which have been added thereto from claims 4 and 5, i.e., a power generator driven by the Rankine Cycle system and a Rankine cycle system output shaft for driving the power generator, are clearly not disclosed by George.

Accordingly, the Office Action fails to make out a *prima facie* case of anticipation of the invention recited in claims 1, 6-8 and 11 by George.

Reconsideration and withdrawal of this rejection of claims 1, 6-8 and 11 are respectfully requested.

Claims 2, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over George, Jr. This rejection is respectfully traversed.

George, Jr. does not disclose the subject matter recited in claim 1, from which claims 2, 9 and 10 depend, and even if, for the sake of argument, one of ordinary skill in the art were properly motivated to modify George to operate in a cruising mode, and to determine the cruising mode as recited in claim 9, and to include a battery and overcharging means, as recited in claim 10, the so modified version of George, Jr. would still not disclose or suggest the features recited in claim 1, for reasons stated above.

The Office Action fails to provide any objective factual evidence that the features recited in dependent claims 2, 9 and 10 exist in the art, as required by the aforementioned case law, e.g., the above-cited "In re Lee" decision.

Moreover, Official Notice can only be taken of facts of notorious character and serve

only to "fill in the gaps" in an insubstantial manner. It is never appropriate to rely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based. - see MPEP § 2144.03, last paragraph. In this situation, the Office Action improperly takes Official Notice.

Additionally, Applicants note the decision in In re Boon, 169 USPQ 231 (CCPA 1971), which points out that the Office must provide a specific reference in support of the grounds used to reject a claim and, in this regard, states that the Office may not judicially notice factual grounds for a rejection unless those facts are supported by a standard reference work and play a minor role in the rejection, as discussed above.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claims 2, 9 and 10.

Reconsideration and withdrawal of this rejection of claims 2, 9 and 10 are respectfully requested.

**Rejections under 35 U.S. C. § 103**

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over George, Jr. in view of U.S. Patent No. 6,494,042 to Bronicki. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Because the rejection is based on 35 U.S.C. § 103, what is in issue in such a rejection is the invention as a whole, not just a few features of the claimed invention. Under 35 U.S.C. § 103, [a] patent may not be obtained . . . if the differences between the subject matter sought

to be patented and the prior art arc such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The determination under § 103 is whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. See In re O'Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). In determining obviousness, the invention must be considered as a whole and the claims must be considered in their entirety. See Medtronic, Inc. v. Cardiac Pacemakers, Inc., 721 F.2d 1563, 1567, 220 USPQ 97, 101 (Fed. Cir. 1983).

In rejecting claims under 35 U.S.C. § 103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. F-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24

USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783 84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999).

Moreover, it is well settled that the Office must provide objective evidence of the basis used in a prior art rejection. A factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002).

Furthermore, during patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785788 (Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicant is entitled to the patent. Only when a

*prima facie* case is made, the burden shifts to the applicant to come forward to rebut such a case.

Initially, this rejection is technically moot with respect to claims 4 and 5, which have been canceled. However, because features of canceled claims 4 and 5 have been added to claim 1, those features will be addressed herein.

George, Jr. does not disclose the subject matter recited in claim 1, which include a power generator and an output shaft to drive the generator and, even if, for the sake of argument, one of ordinary skill in the art were properly motivated to modify George to include a motor/generator as recited in claim 3, the so modified version of George, Jr. would still not disclose or suggest the features recited in claim 1.

Furthermore, these two references teach away from being combined, as suggested. To establish a *prima facie* case of obviousness, the Office must show "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 837 F.2d at 1074, 5 USPQ2d at 1598. There is no suggestion to combine, however, if a reference teaches away from its combination with another source. *See id.* At 1075, 5 USPQ2d at 1599. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . . [or] if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant." *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994). If when combined, the references "would produce a seemingly inoperative device," then they teach away from their combination. *In re Spinnoble*, 405 F.2d 578, 587, 160 USPO

237, 244 (CCPA 1969); *see also In re Gordon*, 733 F.2d 900, 902, 221 USPO 1125, 1127 (Fed. Cir. 1984) (finding no suggestion to modify a prior art device where the modification would render the device inoperable for its intended purpose).

George, Jr. is directed to a motor vehicle that uses exhaust gases from a vehicle's internal combustion engine to drive a Rankine cycle system for the stated purpose of recovering energy for wheeled vehicles, whereas Bronicki, has nothing to do with using exhaust gases from an internal combustion engine to drive a Rankine cycle system to recover energy for a wheeled vehicle driven by the internal combustion engine. For this reason alone, the Office Action does not provide proper incentive for one of ordinary skill in the art to turn to Bronicki to modify George, Jr., as suggested.

Moreover, Bronicki has no internal combustion engine or internal combustion engine exhaust gases, and Bronicki makes no attempt whatsoever to modify the source of its exhaust gases, which is a gas burner 51A for a boiler, using its Rankine cycle system. In fact, Bronicki only generates exhaust gases, e.g., via flap F2, when its Rankine cycle system is operating, and those exhaust gases are discarded.

Bronicki is directed to producing uninterruptible power and uses the output of its Rankine cycle system not to modify its gas burner or its boiler, but uses its Rankine cycle system as an alternative power source to the electric grid.

These references have so little in common that one of ordinary skill in the art would have no reasonable incentive to look to Bronicki to modify George, Jr.

The alleged motivation to turn to Bronicki to modify George, Jr. is the alleged generic teaching, allegedly supported by Bronicki, that it is well known to use motor/generator 52B in

Rankine cycle in order to have both driving and driven modes. Unfortunately, the Office Action does not explain what this has to do with George, Jr's use of exhaust gases from a vehicle's internal combustion engine to drive a Rankine cycle system for the stated purpose of recovering energy for wheeled vehicles driven by the internal combustion engine.

The Office Action never explains why one of ordinary skill in the art would have a proper incentive to turn to Bronicki's gas-burner fired boiler to modify a vehicle's internal combustion engine and Applicants are not aware of any such reason.

Applicants respectfully submit that the only reason to turn to Bronicki is to try to arrive at Applicants' claimed invention based solely on Applicant's disclosure via impermissible hindsight.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of claim 3 based on these two references.

Accordingly, reconsideration and withdrawal of this rejection of claims 3-5 are respectfully requested.

**Additional Cited References**

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.



**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster., Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a One-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

Application No.: 10/820,818  
Amendment dated: June 27, 2008  
Response to Office Action dated Feb. 27, 2008

Attorney Docket No. 2830-0165PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 27, 2008

Respectfully submitted,

By 

James M. Slattery

Registration No.: 28,380

#43,368

for

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants